

# MANDATE

S.D.N.Y.-N.Y.C.  
14-mc-246  
Scheidlin, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14<sup>th</sup> day of January, two thousand fifteen.

Present:

Robert A. Katzmann,  
*Chief Judge,*  
Amalya L. Kearse,  
Reena Raggi,  
*Circuit Judges.*

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Rivka Martha Moriah, et al.,

*Intervenors-Appellants,*

Sheryl Wultz, et al.,

*Plaintiffs-Appellants,*

A.L.W., A Minor,

*Plaintiff,*

v.

14-3050(L);  
14-3083(Con)

State of Israel,

*Appellee,*

Bank of China Ltd.,

*Defendant.*

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MANDATE ISSUED ON 02/04/2015

Appellee moves to dismiss the appeal for lack of appellate jurisdiction. Appellants cross-move to stay these proceedings, to remand to the district court to allow them to seek certification pursuant to 28 U.S.C. § 1292(b), and to strike Appellee's motion to dismiss. Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED. This Court has determined that it lacks jurisdiction over this appeal because a final order has not been issued by the district court as contemplated by 28 U.S.C. § 1291. See *Coopers & Lybrand v. Livesay*, 437 U.S. 463, 467 (1978); *Dynegy Midstream Servs. v. Trammochem*, 451 F.3d 89, 92 (2d Cir. 2006) (explaining that this Court has an "independent duty" to ensure that it has jurisdiction over an appeal); *Barrick Group, Inc. v. Mosse*, 849 F.2d 70 (2d Cir. 1988).

It is further ORDERED that Appellants' motions are DENIED as moot, without prejudice to Appellants' seeking to appeal pursuant to the procedure provided by 28 U.S.C. § 1292(b). We express no view as to whether under that section a certification should be granted by the district court or, if granted, whether permission by this Court to appeal would be granted. Finally, it is ORDERED that Appellants' request for mandamus relief is DENIED without prejudice to renewal in a mandamus petition fully addressing the requirements for that relief.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

  


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  
